

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RYAN C. FORD, a Minor, by and through his
Guardian, GARY GOODEMOTE,
8723 West Ridge Road
Girard Township, PA 16417

No. 05-54 Erie

and

Judge Sean J. McLaughlin

ROBERT FORD and MAE FORD,
Individually,
8723 West Ridge Road
Girard Township, PA 16417

FILED ELECTRONICALLY

Plaintiffs,

v.

ICON HEALTH AND FITNESS, INC.,
1550 South 100 West
Logan, UT 84110

and

SEARS, ROEBUCK AND COMPANY,
3333 Beverly Road
Hoffman Estates, IL 60179

Defendants.

JOINT MOTION TO EXTEND DISCOVERY AND PRETRIAL DEADLINES

AND NOW, come Plaintiffs and Defendants by and through undersigned counsel of
record, and move this Honorable Court for an extension of the discovery and pretrial deadlines:

1. Discovery in this matter is set to close by Order of Court on May 8, 2006.
2. The subject product in this case was subject to a recall by the Consumer Products Safety Commission and Plaintiffs' counsel has sought discovery in that regard and with regard to prior claims regarding the subject type product. Defendants objected to some of this discovery.
3. Plaintiff recently served defendant with a draft Motion to Compel Discovery in an effort to promote resolution of the dispute and the parties have now worked out a resolution of that dispute with Defendant agreeing to file supplemental answers to certain interrogatories and with plaintiff planning to subpoena CPSC records directly from the agency. Defendant maintains and reserves all objections to discoverability and admissibility of CPSC documents as privileged, confidential and proprietary. Supplemental Answers to Interrogatories will be filed by defendant in the next few days.
4. The parties have exchanged written discovery and have produced numerous documents, but it will take some time to complete the CPSC subpoena process.
5. Depositions of parties in the case have been delayed pending resolution of the request by Plaintiffs to obtain CPSC documents and the supplemental discovery, but will now go forward later this month.
6. Plaintiffs are now in the process of serving a subpoena on the CPSC to seek production of public, non-confidential, non-privileged documents, if any.

7. Despite these diligent efforts by the parties, discovery is not yet complete and the parties now request an additional ninety (90) days to complete fact discovery which will accommodate both the attempt to obtain CPSC documents and the desire of all parties to take party depositions.

WHEREFORE, Plaintiffs and Defendants respectfully request this Honorable Court enter an Order extending the discovery and pretrial deadlines as is set forth in the attached proposed Court Order.

Respectfully submitted,

PICADIO SNEATH MILLER & NORTON, P.C.

By: /s/ Henry M. Sneath
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NICHOLAS, PEROT, SMITH KOEHLER & WALL

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Counsel for Plaintiff,
Ryan C. Ford, a minor, and
his guardian, Gary Goodemote

RULE 7.1 CERTIFICATE

Undersigned counsel, pursuant to Local Rule of Civil Procedure 7.1 for the Western District of Pennsylvania, hereby certifies that the foregoing **JOINT MOTION TO EXTEND DISCOVERY AND PRETRIAL DEADLINES** is uncontested and has been consented to by counsel for Plaintiffs.

/s/ Henry M. Sneath

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May 4, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within motion was electronically filed and is available for viewing and downloading from the ECF system which will send notification of such filing to the following and was caused to be served on the attorneys of record at the following addresses as indicated:

_____	Hand Delivery
_____	First Class Mail, Postage Prepaid
_____	Certified Mail, Return Receipt Requested
_____	Fax and/or Email Transmission
_____	Overnight Mail
<u> X </u>	Electronic Service

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Date: 05/04/06